

Bill No. 28-98
Concerning: Animal Control - Revision
Revised: Aug. 14, 1998 Draft No. 2
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Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) provide for an animal shelter program;
- (2) prohibit cruelty toward animals;
- (3) require licensing of certain domestic animals;
- (4) protect the public from dangerous animals and public nuisances caused by animals;
- (5) control rabies;
- (6) adjudicate certain disputes involving animals;
- (7) establish standards for animal care; and
- (8) generally amend County law regarding the regulation and humane treatment of animals.

By amending

Montgomery County Code
Chapter 5, Animal Control

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Section 1. Chapter 5 is amended as follows:

Chapter 5.

ANIMAL CONTROL.

ARTICLE I. IN GENERAL

5-1. Definitions.

(a) In this Chapter, words are intended to have their ordinary meaning unless otherwise defined.

(b) [the] The following words and phrases have the following meanings:

Alter: [Surgical or chemical intervention that makes] To castrate or perform an ovario-hysterectomy to make an animal physically incapable of reproducing.

[Animal: Every species of animal, including fowl, birds, fish, turtles and rodents. For the purpose of defining pet shops or kennels it shall include any living creature sold or exchanged as a commercial item.]

Animal control officer: The Director of the **Division** or the Director's designee acting under the immediate direction of the Director of the Department of Police.

Animal control shelter: Any **facility** owned or operated by or under contract with the County for the care, confinement, or detention of animals.

[Animal exposed to rabies: Any animal which has been bitten by an animal which either has rabies or has been exposed to an animal which has rabies or any animal which has not been bitten but has been exposed for any period of time to an animal which has rabies.]

1 **At large:** An animal [shall be deemed to be] is “at large” if it is
 2 off the premises of its **owner** and not [either] leashed or otherwise
 3 restrained [under the immediate control of a responsible person capable
 4 of physically restraining the animal]. The common area of a
 5 homeowners’ association, condominium, or cooperative is not the
 6 owner’s premises. A dog participating in a legal, supervised sporting
 7 activity, such as hunting or chasing, is not **at large** unless the dog
 8 leaves the activity.

9 **[Attack dog:** A dog trained to attack only on command or to
 10 protect persons or property.]

11 **Aviary:** A place for keeping birds confined.

12 **Benevolent organization:** [A benevolent organization that cares
 13 for stray or homeless animals.] An incorporated non-profit organization
 14 that **harbors** animals.

15 **Board:** The [animal matters hearing board] Animal Matters
 16 Hearing Board established [pursuant to] under this Chapter.

17 **Cages:** Any [interior] enclosure of limited space, enclosed on
 18 the bottom and on all [four (4)] 4 sides [by either solid walls or
 19 otherwise] in which animals [or other creatures] are placed for any
 20 purpose, including confinement or display. [No cage shall be enclosed
 21 entirely by solid walls.]

22 **Commercial enterprise:** Any establishment, [the] whose
 23 primary function [of which] is the sale of any product, service or
 24 commodity.

25 **Commercial kennel:** [Includes any animal boarding] A place
 26 [or other establishment for the commercial breeding of dogs or cats or

the] where animals are sold or commercially bred or where a fee is charged for boarding, grooming, [sale] selling or training [of dogs or cats for which a fee is charged; provided, that animal hospitals] animals. **Commercial kennel** does not include:

- (1) an animal hospital maintained by a licensed veterinarian [as part of the practice of veterinary medicine for the treatment of animals and dog]; or
- (2) [fanciers' kennels shall not be considered "commercial kennels."] a **fancier's** kennel.

[Compartments: Any enclosure of limited space, enclosed on the bottom and all four (4) sides by either solid walls or otherwise and constructed in the same manner as a cage but with access into an enclosed exercise area.]

Cross-tethering: A manner of securing an animal firmly by tying the animal from at least two different directions.

Cruelty: Any act or omission prohibited under Section 5-13.

[(1) Cruelty means to:

- a. Torture, torment, beat cruelly, injure intentionally, mutilate, run down with a vehicle intentionally, kill cruelly, overdrive, overload, or otherwise abuse any animal;
- b. Administer poison to any animal or knowingly place or leave any poisonous or harmful substance with intent to injure or kill any animal;
- c. Use or permit any animal to be used for the purpose of fighting with any other animal;

- d. Cause, arrange, or authorize these acts; or
- e. Have the charge or custody of an animal and inflict unnecessary suffering or pain upon the animal, or unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the elements.

(2) In the case of activities in which physical pain may unavoidably be caused to animals, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, animal training, and hunting, “cruelty” means a failure to employ the most humane method reasonably available.]

Dangerous animal: An animal that bit or attacked a human without **provocation**, until the **Board** determines that the animal is not dangerous. **Dangerous animal** includes an animal that is a physical threat to humans because of specific training or demonstrated behavior, or because the animal’s bite is poisonous.

Disposition: Adoption or placement of a domestic animal as a pet in an approved home or release of a wild animal into a suitable habitat. **Disposition** includes [or else] euthanasia humanely administered in a manner approved by the Division [or, in the case of a wild animal, release in a suitable habitat; in no event shall any animal be disposed of by the County for commercial or experimental purposes].

Division: The **Division** of [animal control and humane treatment] Animal Control and Humane Treatment in the Department of Police.

Domestic animal: An animal of a tamed **species** commonly kept as pets or **livestock**.

Dwelling: A building or portion of a building that provides complete living facilities for people, including facilities for cooking, sanitation, and sleeping. **Dwelling** does not include any garage and does not include extended structures otherwise separate from a house.

Exotic animal: A non-native **species** kept as a pet or **livestock**, including

(1) any reptile;

(2) any wild or non-domestic **mammal** other than a rodent, lagomorph (rabbit and hare), or hoofed animal; and

(3) any hybrid animal resulting from the mating of an animal described in paragraphs (1) or (2) with a **domestic animal**.

Facility: Any building or land, other than a veterinary hospital, for boarding, breeding or care of **domestic animals** (except animals raised for agricultural purposes) for profit.

Fancier: Any person who owns or keeps [within or adjoining a private residence] 3 or more dogs or cats for [the] noncommercial [purposes of] hunting, [practice] tracking, [or] exhibition in shows, or field or obedience trials. [A **fancier** must not keep] **Fancier** does not include a person who keeps:

[(a)]

(1) 3 or more male dogs or cats that are used primarily for stud for which [a fee is charged or other] the person receives compensation [received]; or

[(b)]

(2) 3 or more female dogs or cats that each bear offspring more than once in a 12-month period.

Fancier's kennel: A private kennel maintained by a **fancier** [within or adjoining a private residence for the maintenance or training of the] to keep or train dogs or cats [owned or kept by the **fancier**].

Groomer: An individual who provides animal bathing and haircutting for compensation.

Harbor: To provide shelter or solid or liquid food to an animal.

Health officer: The [county health officer] County Health Officer or [his duly authorized representative] the Officer's designee.

Healthful: A hygienic condition, appropriate to the particular **species** of animal [involved], [which is hygienic and conducive to the maintenance of the animals' well-being and to the prevention of] that will maintain an animal's health and prevent disease.

Keeper: [Any individual, association or corporation or employee thereof] A person who maintains [maintaining any] a facility regulated by this Chapter.

Livestock: [Includes but is not limited to horses] Horses, cattle, sheep, goats, swine [and enclosed domestic]; domesticated rabbits[,] and hares [and]; commercially raised fur bearing animals; and similar animals.

1 **Mammal:** An animal of any **species** of higher vertebrates that
 2 nourish their young with milk secreted by mammary glands and have
 3 skin covered with hair.

4 **Non-commercial kennel:** A building or land for boarding,
 5 breeding, or care of **domestic animals** that belong to the **owner** of the
 6 building or land and are kept for show or hunting, or as pets. **Non-**
 7 **commercial kennel** does not include a riding stable.

8 **Obedience trained:** Any animal trained to [“]heel[” on a leash,]
 9 on and off a leash and obey [on command,] commands to come to its
 10 **owner**, [“heel” off a leash,] sit, lie, and stand until further command.

11 **Owner:** [Any] A person who [keeps, has temporary or
 12 permanent custody of, possesses,]:

13 (1) temporarily or permanently **harbors**[, exercises control
 14 over] or controls, or has a property right in [any] an
 15 animal, [livestock or fowl regulated by this Chapter;
 16 [provided, that] or

17 (2) allows a person under 18 years old to **harbor** or control
 18 an animal.

19 **Owner** does not include a veterinary [hospitals] hospital,
 20 **commercial [kennels and pet shops** and their employees shall
 21 not be construed to be **owners** to the extent hereinafter
 22 provided] **kennel, or pet shop, or an employee of these**
 23 **enterprises unless otherwise provided. This definition does not**
 24 **affect the legal title to an animal.**

25 **Pet shop:** [Any] An establishment [maintained separately or in
 26 connection with another **commercial enterprise** which] that offers to

sell any **species** of live [animals, with the intent that they be kept as pets] animal except **livestock**.

Potentially dangerous animal: An animal that bit a person, killed or severely injured a **domestic animal** not on the **owner's** property, attacked a person or animal without **provocation**, or was declared by the County or another jurisdiction as potentially dangerous (even if the other jurisdiction uses a different term). An animal's actions in a legal, supervised sporting activity, such as hunting or chasing, using humane practices, do not make the animal potentially dangerous.

[Poultry: Domestic fowl only.]

Protection dog: A dog trained to protect persons or property or to attack on command.

Protection Dog Operator: An individual who is the **owner** of a **protection dog**.

Provoked: An action or behavior of an animal is **provoked** when the action or behavior is:

- (1) in response to current or previous tormenting, teasing, abuse, threat, or assault by a person or animal;
- (2) in response to pain or injury;
- (3) to protect the animal, its offspring, or other animals in the same household; or
- (4) directed against a person who is:
 - (A) not lawfully present where the action or behavior occurs;
 - (B) injuring, threatening or endangering the animal's **owner** or another person in the vicinity; or

(C) damaging or unlawfully entering the property, household, or enclosure where the animal is **harbored**.

Public nuisance: [Public nuisance shall include but not be limited to the] Behavior, conditions, or actions such as those described in Section [5-25] 5-27 [of this Chapter].

Riding school or stable: [Any facility which provides, for a fee,] A place where riding instruction [or which offers for hire or which is engaged in the business of buying, selling or trading] is provided for a fee, or horses, ponies, donkeys, mules or burros are offered for hire, boarded, traded, bought or sold.

Rodent-proof: [A state or condition not conducive] Resistant to the entry, feeding, **harboring** or breeding of rodents.

Sanitary: A condition of good order and cleanliness [which precludes] that reduces the [probability] spread of disease [transmission].

Species: A class of animals having common attributes and designated by a common name.

Trainer: An individual who provides animal behavior modification services or classes for a fee.

[Vicious or dangerous animal: Any animal that constitutes a physical threat to human beings, animals or livestock by virtue of specific training or demonstrated behavior; any animal which without provocation has bitten or attacked a human being or other animal or livestock shall be prima facie presumed vicious.]

Wild animal: An animal of a **species** of an untamable disposition, a **species** in a state of nature, or a native self-sustaining

species. Wild animal includes a **species** whose habitat is generally the woods and which are generally undomesticated or untamed. All animals of these **species** are **wild animals** even if a particular animal has characteristics that reflect domestication or taming.

5-2. Administration [of Chapter]; [division of] functions; interpretation.

(a) The **Division** administers this Chapter under the direction of the [animal control officer] **Animal Control Officer** and [provides for] must provide:

[(a)]

(1) an animal shelter program;

[(b)]

(2) education programs regarding the humane treatment of animals;

[(c)]

(3) wildlife management;

[(d)]

(4) a spay-neuter program; and

[(e)]

(5) other activities relating to the humane treatment of animals.

(b) This Chapter is intended to protect every **domestic, exotic, or wild animal** from **cruelty** by any person. This Chapter is not intended to prohibit normal human activities that might cause incidental and unavoidable pain to an animal.

5-3. [Reserved.]

[5-4.] [Adoption of additional regulations] Regulations.

The [county executive] is hereby authorized to] County Executive may adopt regulations under method (2) [of section 2A-15 of this Code, necessary for the implementation of any of the provisions of] to implement this [chapter] Chapter, [including fees necessary for the administration of the chapter] except where another method is specified. The Executive may establish a fee by regulation adopted under method (3).

Sec. 5-[5]4. Interference with county officer enforcing provisions of [chapter] Chapter.

[No] A person [shall] must not prevent or attempt to prevent[, by the use of force or by any other means,] any [county] County officer, employee, or agent from enforcing the provisions of this [chapter] Chapter.

Sec. 5-[6]5. Authority [of county executive] to operate and construct shelter.

The [county executive] is hereby authorized and empowered to] County may, directly or by contract, establish, maintain, and operate [within the county upon land now owned by the county or to be hereafter acquired for such purpose, directly or by contract,] an **animal control shelter** or other place of confinement. The shelter is for the removal, care, and **disposition** of licensed or unlicensed [dogs or other] animals [which may create a menace to] that the Division determines are abused, homeless, unwanted, abandoned, or neglected, or threaten the health, safety [and], or security of the [residents of the county] public.

Sec. 5-[7]6. [Spaying, neutering and altering clinics] Clinics to alter animals.

- (a) The [county executive shall] County, directly or by contract, must establish a clinic or clinics [to be operated either by the county or under contract, at which] where County residents may have dogs or cats [spayed, neutered or] **altered** in a humane manner by a licensed veterinarian

[upon the payment of] for a fee [to be determined by the county executive] set by [executive] regulation [adopted under method (3) of section 2A-15 of this Code]. [Such] The fee may[, in the discretion of the county executive,] be [either]:

(1) uniform or [graduated] based on ability to pay; and

(2) waived for financial hardship.

[In cases of demonstrated inability to pay the required fee, the animal of such owner may be spayed, neutered or **altered** without charge. In addition, the county executive] The Executive may[, in the executive's discretion,] contract for [such] altering services [to be performed] by a licensed [veterinarians] veterinarian at [their own places] the veterinarian's own place of business.

(b) [Each animal to be spayed, neutered or altered shall receive a presurgical examination by a licensed veterinarian and shall receive all necessary injections and immunizations.] A person must not **alter** an animal until a licensed veterinarian gives the animal a presurgical examination.

(c) [Anyone seeking such service shall certify his ownership of the animal or authority to seek the service and shall sign a certificate to hold harmless the clinic.] A person seeking to have an animal **altered** must certify that the person owns the animal or has authority to obtain the

service. The person must agree in writing to hold the clinic harmless in any dispute about the person's authority.

(d) [Anyone seeking such service shall retrieve the animal on a date specified by the clinic. Failure to retrieve the animal on the date specified may result in an additional charge for board. Any animal not retrieved within ten (10) days after the specified date shall be deemed to be abandoned.] A person must retrieve the **altered** animal on the date specified by the clinic. The person must pay any additional charges for boarding the animal after that date. An animal not retrieved within 10 days after the date is abandoned.

[(e) One (1) year after the effective date of this act, the county executive shall report to the council the results of the operation of the spay/neuter, altering clinic and recommendations for any other measures for curbing the pet population.]

Sec. 5-[8]7. Authority [of county executive to enter into contracts as to] contract for care of injured or diseased dogs and cats.

The [county executive is hereby authorized to] County may enter into agreements with veterinarians or animal hospitals in the [county] County for the care of injured or diseased animals [, the] whose **owners** [of which] are unknown, [which are] collected by the [**animal control officer** or by the county police] County or its agents or [which are] brought to the **animal control shelter** [by private citizens. If such animals are not in such critical condition as to warrant their destruction

1 immediately, the veterinarian or animal hospital to which they are taken shall care
 2 for them until their condition warrants their return to the animal control shelter for
 3 disposition in accordance with the procedure prescribed by this chapter].

4 **ARTICLE II. ANIMAL MATTERS HEARING BOARD.**

5 **Sec. 5-[9]8. [Created; members; chairman; meetings generally] Membership.**

6 (a) There is an [animal matters hearing board] Animal
 7 Matters Hearing Board, which consists of 5 members [;
 8 one of whom is] appointed by the County Executive and
 9 confirmed by the County Council. The **Board** must
 10 include:

- 11 (1) [a representative of the Montgomery County
 12 Veterinary Medical Association] a veterinarian or
 13 veterinary technician;
- 14 (2) [one of whom is] a representative of the
 15 Montgomery County Humane Society; and
- 16 (3) 3 public members, including [at least one of whom
 17 is appointed from among representatives of
 18 recognized] a representative of licensed **animal**
 19 **fanciers** [and breeders].

20 [All members are appointed by the county executive,
 21 subject to confirmation by the county council] The
 22 Executive may remove a member who misses three
 23 meetings during a fiscal year without permission of the
 24 Chair.

25 (b) The Executive must [select an] appoint a qualified
 26 alternate for each member [in the same manner and for the

same term]. Each member[serves] and the member's
alternate serve for [a term of] 3 years [; **board** members
 and alternates continue to serve after the expiration of
 each term] or until a successor [is appointed and qualified.
 Any] takes office, whichever is later. A person appointed
 to fill a vacancy fills the [unexpired] remainder of the
predecessor's term [of the member who vacated that
 position].

- (c) The [presiding officer of the **board** is designated
 annually] **Board** must elect a Chair each year from among
 [the appointed] its members [by the county executive,
 subject to the confirmation of the county council.

Meetings and hearings of the board should be held on
 weekday evenings, whenever practicable].

Sec. 5-[10]9. Duties and responsibilities.

The [Animal Matters Hearing] **Board**:

- (a) [Meets once a month or more frequently at the call of the chairman,]
must meet as often as necessary [to fulfill the duties and responsibilities
 of the Board.];
- (b) [Submits an annual] must report annually to the [County] Executive
 and [County] Council [concerning] on activities and issues within the
Board's [responsibilities] responsibility, including [recommendations
 pertaining to] any recommendations for legislation, [regulation and]
regulations, or fiscal planning[.];
- (c) [Recommends] must recommend to the [County] Executive any rules
 and regulations [pertaining to any of the following] needed to improve:

- (1) [Operation] operation of **animal control facilities**[.]; and
- (2) [Standards] standards and procedures for the control, collection, care, [custody] or disposal of animals **at large**, [vicious or] **dangerous animals** [at large,] and animals [creating or] causing a public [nuisances.] nuisance;
- (d) [Recommends] must recommend standards [for maintaining] to maintain a regulated [facilities.] facility;
- (e) [Annually reviews] review the annual proposed budget for the [operation of the] **animal control shelter** and make budget recommendations to the [County] Executive[.];
- (f) [Determines] must decide complaints and appeals under this Chapter [appeals by any person, firm or corporation aggrieved by the issuance or denial of a license by the Division. All decisions of the Board on any appeal are final and subject to review only by a court of competent jurisdiction.];
- (g) [Advises the County Executive and the County Council on animal control regulations and legislation.] must decide complaints alleging a violation of an **animal control shelter** adoption contract;
- (h) may order the seizure of an animal suffering **cruelty**, under Section 5-13, or causing a **public nuisance**;
- (i) notwithstanding any other provision of this Chapter, may order the **Animal Control Officer** to seize an animal if:
 - (1) a person, or the **Animal Control Officer**, files with the **Board** a written complaint alleging **cruelty** to the animal;
 - (2) the **Board** holds a public hearing at least 5 days after notifying the **owner** in writing; and

(3) the **Board** finds that the animal is a victim of **cruelty**;

(j) may allow the owner of an animal that the **Board** finds is a victim of **cruelty, dangerous, or potentially dangerous** to keep the animal under conditions specified by the **Board**.

Sec. 5-10. Mediation.

The **Board** may appoint a person to mediate a case if all parties to the case agree. If all of the parties and the **Board** Chair agree to a mediated settlement, all of them must sign a consent order, which has the same legal effect as an order of the **Board**. If the mediator determines that the parties cannot reach agreement, the mediator must advise the **Board** that mediation was unsuccessful.

Sec. 5-11. Destruction of animals.

[(a)] The **Board** may[, upon the written petition of the animal control officer or County Health Officer] order the humane destruction of [any] an animal when the **Board** conducts a hearing and finds that

[(1)]

(a) the action is necessary to protect the public health, safety, or welfare;
[or

(2)]

(b) the animal must be destroyed for humane reasons; or

[(b) No animal whose destruction has been petitioned as provided in subsection (a) of this section, except an animal which the health officer certifies to have rabies or to have some other disease which regardless of isolation, poses an immediate threat to the health, safety or welfare of the community, may be destroyed unless written notice of the petition has been given to the owner thereof by certified mail and the owner has been afforded an opportunity for a hearing before the board;

provided, that a hearing is requested within seven (7) days of mailing of the notice of petition.]

- (c) [The Board may, upon the written petition of the animal control officer or County Health Officer, order the humane destruction of any unhealthy, injured, or mistreated animal when the Board determines that the animal must be destroyed for humane reasons.] the Board determines that the animal must be destroyed to abate a public nuisance.

Sec. 5-12. Authority to abate a public [nuisances] nuisance.

- (a) *Board authority.* [(1)] The [board] Board may declare that an animal or facility [is] creates a **public nuisance** and order the nuisance abated[(2) The **board** may order a nuisance abated only] after [it]:

[(i)]

(1) [Receives] receiving a written complaint from a person[,] or agency official; and

[(ii)]

(2) [Holds] holding a hearing at least 5 days after notifying the owner.

- (b) *Nuisance abatement.*

(1) The [board] Board may [issue cease and desist, impoundment, payment of damages, destruction, or other orders] order any action necessary to abate a public nuisance, including that the owner stop cruelty to the animal or pay damages under subsection (c), or that the County impound or destroy the animal or revoke a facility's license.

(2) [An] If the **Board** orders the County to impound or destroy an animal not already in the County's possession, the **owner** must [comply with an impoundment order by delivering] promptly deliver the animal to the [animal control officer] **Animal Control Officer.**

(3) [The **board** may revoke a **facility** license in order to abate a **public nuisance.**] The **Board** may require an **owner** to forfeit an animal to the **Animal Control Officer** and prohibit a person from harboring an animal in the County without permission from the **Animal Control Officer** under any conditions the **Board** requires to prevent a **nuisance** from recurring.

(c) *Damages.*

(1) The [board] **Board** may order the **owner** of an animal that causes personal injury or property damage to pay up to \$1,000 in actual damages (including veterinary and medical bills) to the injured person [as a condition for keeping the animal or recovering it from impoundment. The amount of damages is the injured person's actual damages, not to exceed two hundred fifty dollars (250.00)] for each incident.

(2) The [board] **Board** may order damages only if [it declares] the **Board** determines that the animal [is] caused a **public nuisance** resulting in measurable economic damage. Damages awarded by the **Board** do not affect any legal rights an injured party might have against the **owner.**

(3) [The] A person seeking damages must [present convincing evidence prove:

1 [(i)]

2 (A) [On] the nature and amount of damages;

3 [(ii)]

4 (B) [That] that the animal caused the damages [were caused
5 by the animal]; and

6 [(iii)]

7 (C) [That] that the animal was not confined or restrained as
8 required by this [chapter] Chapter or an order of the
9 **Board**.

10 (d) *[Recovery of] Returning impounded animals.*

11 (1) [An] The County may return an impounded animal to the
12 **owner** [may recover an impounded animal] only [on] if
13 the **owner** meets all of the conditions [established by] in
14 any order issued by the [board in its order] **Board** or the
15 **Animal Control Officer**. The [animal control officer]
16 **Animal Control Officer** must notify the animal **owner** of
17 the conditions [for recovery].

18 (2) If an animal **owner** does not [recover] claim the
19 animal within [five (5)] 5 days after [receiving
20 notice of] the **Animal Control Officer** notifies the
21 **owner** about the conditions [for recovery], the
22 [animal control officer may dispose of the] animal
23 is abandoned.

24 (e) *Requirements for appeal*. If the **owner** appeals an impoundment or
25 seizure order issued by the **Board**, the **owner** must board the animal at
26 a **facility** approved by the **Division**. The **owner** must pay the cost of

impounding the animal before and during the appeal, or if the **Board** allows, post a bond to pay these expenses if the **owner** does not prevail in the appeal. If the owner fails to meet these requirements, the animal is abandoned.

Sec. 5-13. [Statement of legislative intent; authority to declare and relieve cruelty; penalties;] Cruelty; protective removal.

(a) [The County Council intends that any animal, domesticated or wild, must be protected from intentional cruelty by any person. However, A person may not be prosecuted for normal human activities in which pain to an animal is purely incidental and unavoidable.]

(1) A person must not:

(A) willfully, without justification kill, wound, injure, torture, torment, mutilate, run down with a vehicle, beat, overload, or otherwise abuse an animal;

(B) poison a **domestic animal**, or leave a poisonous or harmful substance with the intent to harm a **domestic animal**;

(C) create circumstances that likely to harm a **domestic animal**;

(D) abandon a **domestic animal**; or

(E) subject an animal to conditions detrimental to the animal's health or welfare.

(2) An **owner** must provide the following **sanitary** and humane conditions for an animal:

(A) Enough wholesome, palatable, nutritious food to maintain the animal in good health. At least one feeding a day,

unless otherwise prescribed by veterinary or other professionally recognized practice.

(B) Clean, potable water available at all times in a clean and **sanitary** receptacle appropriate for the animal and positioned to prevent spillage.

(C) Except while the animal is transported or in other conditions the **Division** or **Board** determines are humane, a living environment:

(i) where the animal can stand full height, stretch out, turn around, lie down, and make normal postural adjustments comfortably;

(ii) that provides fresh air by natural or mechanical means appropriate to maintain the animal's normal temperature; and

(iii) that is not a **cage** enclosed by solid walls.

(D) Exercise and freedom of movement necessary to maintain the animal's good health.

(E) For a dog on a tether or chain, at least 15 feet of tether or chain, positioned to prevent the dog from becoming entangled with an obstruction, jumping on or over a fence, or leaving its **owner's** property. The **owner** must not keep the dog on the tether or chain for more than 10 hours at a time.

(F) Access to sufficient shade from the sun.

(G) For a **domestic animal** (other than **livestock**) kept outdoors, access to weather-proof shelter appropriate for the animal's **species**, age, and physical condition.

(H) For a dog kept outdoors in severe weather, a shelter with at least 3 sides; a roof; a solid floor; a door, flexible windproof flap, or offset entrance; and dry bedding (such as cedar chips, hay, or straw) to provide insulation.

Weather is severe when the temperature is 45 degrees Fahrenheit or lower, during a storm, when the **Division** declares that animals should be inside because of hot or cold temperatures, or during a winter weather advisory issued for the County.

(I) Immediate veterinary care for an ill or injured animal.

(J) Regular cleaning of any indoor or outdoor enclosure to remove excreta and debris that could promote disease, odor, or danger to the animal.

(K) Appropriate grooming for an animal with a hair coat, to prevent severe matting, filth accumulation, or skin disease.

(3) A person must not promote, stage, hold, manage, conduct, or attend an illegal game, exhibition, contest, or fight of one or more animals or between animals and humans, or set free any animal for chasing or racing. This paragraph does not apply to a legal, humane sporting activity, such as hunting and chasing small game with dogs.

(4) The **owner** of a **domestic animal** must not abandon the animal on any property, including the **owner's** own property.

(5) A person must not offer, sell, barter, or give away baby chickens, ducklings, or other fowl under 3 weeks old or rabbits under 2 months old to dye or otherwise change the natural color of the animal. A breeder or store engaged in the business of selling baby chickens, ducklings, or other fowl may sell or display these animals in proper facilities for commercial breeding and raising.

(6) A person must not sell, give away, or barter any domestic dog or cat under 8 weeks old unless the animal is accompanied by its dam. This paragraph does not apply to the surrender of an animal to the **Animal Control Officer**, an **animal control shelter**, or a **benevolent organization**.

(7) A person must not confine, or allow another to confine, an animal in a motor vehicle in a manner that exposes the animal to danger from temperature extremes, lack of food or drink, or other conditions likely to cause suffering, injury, or death to the animal. A person must not transport a dog in the back of a pick-up truck unless the dog is **cross-tethered** and secured.

(b) [Any person who commits an act of **cruelty** as defined in] A violation of this Section [5-1 of this Code may be punished for] a class A violation [under Section 1-19 of this Code]. Each day a violation continues [to exist] is a separate offense.

(c) [Any person who] The driver of a vehicle that kills or injures a **domestic animal** [while driving a vehicle] must[: (1)] render [any] reasonable assistance [that is reasonable under the circumstances;] to the animal and [(2)(A) [Make] make a reasonable effort to locate the **owner** [or custodian] of the animal [and submit the name and address of the person who killed or injured the animal to that owner or custodian; or (B)]. If the [person who kills or injures an animal] driver cannot [reasonably] locate the **owner** or custodian, the person must notify[: (i)] the **Division**[:] or [(ii) The Police Department] the **Animal Control Shelter**.

[(d) (1) (A) In addition to other powers to enter property or seize an animal under this Chapter, the animal control officer may seize an animal from any place if the officer determines that emergency conditions make it necessary to seize the animal to protect its health or safety.

(B) If the animal control officer seizes an animal under this subsection, the animal control officer must notify the animal's owner or custodian. Within 5 days after receiving notice, the owner or custodian may appeal the seizure to the Board.

(C) If an owner or custodian appeals the seizure of an animal, the Board must hold a public hearing to determine whether the seizure is necessary to protect the animal's health or safety.

(2) In addition to any other provisions in this Chapter, the Board may order the animal control officer to seize an animal if:

(A) a person, the animal control officer, or any public or private agency files a written complaint of cruelty with the Board;

(B) the Board holds a public hearing after giving 5 days' written notice of the complaint to the owner or custodian; and

(C) the Board finds that the animal is a victim of cruelty.

(3) The Board may establish conditions under which an owner or custodian may keep an animal if the Board finds that an animal is a victim of cruelty.

(4) If the Board finds that the owner or custodian without justification does not meet the conditions within the time set by the Board, the animal control officer:

(A) must seize the animal; and

(B) may dispose of the animal as if the owner or custodian had given it to the Division.]

Sec. 5-14. Appeal from decision of [animal control officer] Animal Control Officer.

(a) [The] A person aggrieved by a decision (except a decision to issue a citation) [of] by the [animal control officer] Animal Control Officer [not to issue any license or to suspend or revoke any existing license] under this Chapter may [be appealed by an aggrieved person to] appeal the decision to the [Animal Matters Hearing] **Board** in writing [on forms provided by the **Board**,] within 10 days after the [animal control officer] Animal Control Officer [sends notice of the action

to] notifies the [applicant or licensee] person. The **Board** may specify the form of an appeal. [Any] An appeal of a decision to suspend or revoke a license [is stayed by the filing of an appeal to the Board] stays the decision until the **Board** issues a final decision.

(b) The **Board** must hold a public hearing on [each] an appeal after [giving not less than 2 weeks written notice by certified mail to the applicant and by written notice to] notifying:

(1) the appellant by first class mail reasonably before the hearing;
and

(2) the [animal control officer] Animal Control Officer in writing.

(c) [Each appeal must be decided by the] The Board must affirm, reverse, or modify the Animal Control Officer's decision based on the [evidence of record of the public] hearing record. The **Board** may reverse or modify the decision only if the appellant [has the burden to persuade the **Board**] proves, by a preponderance of the evidence, that [a decision of] the [animal control officer to revoke, suspend or refuse to issue any license] Animal Control Officer's decision was arbitrary, illegal, or not based on substantial evidence.

(d) [Each decision of the] The Board must [be by] issue a written [resolution that states the reasons on which the decision is based] decision explaining the factual and legal basis of the decision. [The **Board** may affirm, reverse, or modify any decision of the **animal control officer** pertaining to the issuance, revocation, or suspension of any license.]

1 **Sec. 5-15. Administrative procedure, notice, and filing fees.**

2 (a) [Hearings and orders. Affairs of the **board** are governed by article I of
3 chapter 2A. If chapter 2A differs from this chapter,] Article I of
4 Chapter 2A applies to the **Board's** hearings and decisions, unless
5 otherwise provided in this [chapter controls.] Chapter. The **Board** may
6 hold an emergency hearing under Section 2A-9.

7 (b) (1) [Notice.] The [**board**] **Board** must [give at least two (2) weeks
8 notice of] notify each party by first class mail or personal
9 delivery reasonably before a hearing [to all parties]. The notice
10 must specify the time and place of hearing.

11 (2) The **Board** must serve any order by first class mail or personal
12 delivery to each person affected by the order. The order takes
13 effect 5 days after mailing or personal delivery, unless otherwise
14 specified in the order.

15 (c) [Board regulations.] The [**board**] **Board** may issue regulations to
16 implement this [section under method (2) of section 2A-15(d)] Section.
17 The [**board**] **Board** should issue and interpret regulations [so as] to
18 [promote the maximum degree of informality and citizen access
19 allowable by] assist access to the appeal process and comply with the
20 Administrative Procedures Act.

21 (d) The Executive may establish by regulation adopted under method (3) a
22 fee for filing a complaint with the **Board**. The filer must pay the fee to
23 the **Division** when filing the complaint. The **Board** or the **Animal**
24 **Control Officer** may waive the filing fee in response to a
25 complainant's request. If the parties agree to a consent order after
26 mediation, the **Board** may refund the filing fee. The **Board** may order

the losing party to pay another party's filing fees or other expenses related to the hearing, in addition to ordering damages.

(e) A person aggrieved by an order of the **Board** may appeal the order under Section 2A-11, subject to the requirements of Section 5-12(e).

Sec. 5-[15A]16. Civil fine.

Violation of an order issued by the [board] **Board** is [punishable as] a class A civil violation [under section 1-19]. Each day [of failure to comply with an order of the board] the violation continues is a separate violation.

Sec. 5-[16]17. Services and facilities.

The [chief administrative officer shall] Chief Administrative Officer must provide the services and county **facilities** that [the officer determines] are reasonably necessary [to aid] for the [board in the exercise of] **Board** to carry out its responsibilities. The [county attorney shall serve as] County Attorney is legal counsel to the [board] **Board**.

ARTICLE III. ANIMAL CONTROL OFFICER.

Sec. 5-[17]18. Duties; responsibilities.

The [animal control officer] **Animal Control Officer** heads the **Division** and:

- (a) [maintains accurate and] must maintain detailed licensing records of [the licensing of all establishments or animals required to be licensed] any **facility** or animal that requires a license under this Chapter;
- (b) [supervises operation of] must supervise any **animal control shelter**;
- (c) [maintains] must maintain detailed permanent records [forwarded] from the **animal control shelter** [pertaining to] of all animals impounded or otherwise in the custody of the shelter;

- (d) [maintains accurate] must maintain permanent records of all rabies inoculations of animals in the County;
- (e) [maintains] must maintain detailed records of all reported animal bites or attacks;
- (f) [issues notices of] may issue a citation for any violation of:
 - (1) this Chapter; [and] or
 - (2) Chapter 31B, for a noise disturbance [originating] from an animal [source].

Sec. 5-19. Issuance of Citations and Direction to Animal Owners.

The **Animal Control Officer** or the **Officer's** designee may order an **owner** to act or refrain from acting to prevent a violation of this Chapter or issue a citation for a violation. This includes issuing a citation:

- (a) based on the complaint of a **public nuisance** by one witness under oath; or
- (b) for a barking dog or ordering the **owner** to bring the dog inside.

Sec. 5-[18]20. Right of entry on private property.

- (a) [The district or circuit court may issue a warrant to search private property and seize evidence or animals. The court may issue the warrant to investigate:] In addition to any authority under State law, the **Animal Control Officer** may search private property and seize evidence or animals under a warrant issued by a court to investigate:
 - (1) [A probable civil or criminal violation of] an action or inaction that the **Animal Control Officer** has probable cause to believe violate this [chapter] Chapter; or
 - (2) [A] a threat to the health or safety of people or animals [that are] protected under this [chapter] Chapter.

- (b) To obtain a warrant to investigate a [probable civil or criminal] violation of this [chapter] Chapter, [an **animal control officer**] the **Animal Control Officer** must [give to the court information on]:
- (1) [Each] specify each section of this [chapter for which there is evidence of a probable violation] Chapter being violated;
 - (2) [The nature of] describe the evidence of each violation, including affidavits of [witnesses upon whom the officer relies] any witness who provided information necessary to support the warrant;
 - (3) [The] describe the place to be searched; and
 - (4) [The animals] describe any animal or [the nature of] evidence to be seized.
- (c) To obtain a warrant to investigate a threat to the health or safety of people or animals [that are] protected under this [chapter] Chapter, [an **animal control officer**] the **Animal Control Officer** must [give to the court information on]:
- (1) [Each] specify each section of this [chapter] Chapter that [gives the officer the power to protect the people] protects a person or [animals at issue] animal related to the investigation;
 - (2) [The nature of] describe the threat to health or safety[, including] and any evidence [that] of the threat [exists];
 - (3) [The nature of] describe the area and type of search intended, including whether the search is:
 - [a. Area-wide]
 - (A) area-wide;

[b. A]

(B) a random, nondiscriminatory sample [within] in an area;

or

[c. Part]

(C) part of a systematic regulatory program to protect against
[the threat to] health or safety threats; and

(4) [The area to be searched; and

[(5) The animals] describe any animal or [the nature of] evidence to
be seized.

Sec. 5-[19]21. Impounding [of] animals [-Generally].

(a) The [animal control officer] **Animal Control Officer** may seize and
impound:

[(a)]

(1) [A dog or unaltered cat] a **domestic animal** found **at large** [in
violation of any of the provisions of this chapter];

[(b)]

(2) [A vicious or] a **dangerous animal** not confined or restrained as
required by this [chapter] Chapter;

[(c)]

(3) [A vicious or] a **dangerous animal** [for which] that the [officer]
Officer has probable cause to believe [that the animal has]
caused or attempted to cause personal injury; [or]

[(d)]

(4) [An] an animal [which] that the [animal matters hearing board]
Board has ordered the [officer] **Officer** to impound or
destroy[.];

1 [(e)]

2 (5) an animal to protect the health and safety of the animal or the
3 public;

4 [(f)]

5 (6) an animal suffering **cruelty**; or

6 (7) an animal causing a **public nuisance**.

7 (b) If the **Board** finds that the **owner** without justification does not meet a
8 condition ordered by the **Board**, the animal is abandoned and the
9 **Animal Control Officer** must seize the animal.

10 (c) (1) The **Animal Control Officer** may seize an animal immediately
11 if emergency conditions require seizure to protect the animal.

12 (2) If the **Animal Control Officer** seizes an animal under this
13 subsection, the **Animal Control Officer** must notify the
14 animal's **owner**, who may appeal the seizure to the **Board**
15 within 5 days after receiving the notice.

16 **Sec. 5-[20]22. [Same-] Notice [to owner] of impoundment.**

17 [Upon impounding an animal found at large or vicious animal, the **animal**
18 **control officer** shall] The **Animal Control Officer** promptly must make a [prompt
19 and] reasonable effort to locate and notify the **owner** of [the] an animal impounded
20 [animal] under Section 5-21. The **Animal Control Officer** may notify the **owner**
21 by first class mail to the **owner's** last known address.

22 **Sec. 5-[21]23. [Same -, Redemption and disposition generally] Disposition**
23 **of impounded animals.**

24 (a) The **owner** of any impounded animal may redeem the animal if [they]:

25 (1) [pay] the **owner** pays impoundment and boarding fees, [and]
26 including the costs of caring for the animal, transporting

livestock, or removing an animal from a tree or other location to protect the health or safety of humans or the animal;

(2) the owner pays a field service fee set by regulation under method (2), if the [animal is brought to the shelter by an animal control officer or] a County employee or contractor[, set by executive regulation under method (2)] brought the animal to the shelter;

[(2)]

(3) [provide] the owner proof [of ownership] that the owner has legal title to the animal; [and]

[(3)]

(4) [have paid the current license fee for the animal] the animal is licensed; and

(5) the Animal Control Officer approves the redemption.

(b) The **owner** of an impounded animal must pay any impoundment, boarding, and field service fees due even if [they do] the owner does not redeem the animal. Failure to pay within 30 days of the date the charges become due is a class B civil violation.

[(b) No]

(c) The Animal Control Officer must not release an impounded animal [impounded due to a violation of any section of this chapter, which has been previously impounded for a violation of any section of this chapter during the preceding twelve (12)] less than 12 months[, shall be released until a] after the County released the animal from impoundment for a previous violation unless the **Officer** has issued a

notice of violation [of the applicable section has been issued] or a citation to the owner [of such animal] for the current violation.

[(c)]

(d) Except as provided under [section 5-13(d) of this Code any domesticated] Section 5-9(j), a domestic animal at large that is impounded and not redeemed by its **owner** within [three (3)] 3 days [following notice of] after the Animal Control Officer notifies the owner about the impoundment is considered abandoned and becomes [the] County property [of the county]. The County may place the animal [may be adopted pursuant to section 5-22 of this chapter] for adoption under Section 5-24 or otherwise [disposed] dispose of the animal in a humane manner [which takes into account] under regulations issued under method (2) with the advice of a licensed veterinarian[, in accordance with procedures prescribed by the county executive by written regulations adopted under method (3) of section 2A-15 of this Code]. The County must not dispose of an animal for commercial or experimental purposes. A licensed veterinarian periodically must [examine] review whether the County implements these procedures [periodically to assure that they are being carried out in a] humane manner] humanely.

(e) The Animal Control Officer may refuse to release an impounded animal that is dangerous or causing a public nuisance, or has rabies or any incurable communicable disease.

(f) The Animal Control Officer must not release an animal impounded under a Board order or for violating a Board order unless the Board has ordered that it can be redeemed.

(g) In this Section, **release** means to allow an **owner** to redeem an impounded animal.

Sec. 5-[22]24. [Same-] Adoption of [unredeemed] impounded animals[; spaying, neutering or altering of dogs and cats required].

- (a) [If any] The **Animal Control Officer** may place an animal [impounded] abandoned under this Chapter [is not redeemed by its owner, the animal may be made available] for adoption as a pet [at the discretion of the **animal control officer**] unless the **Board** or the **Animal Control Officer** adoption is not in the best interest of public health or safety. [Any] A dog or cat [selected for adoption] must be [spayed, neutered, or] **altered** by a licensed veterinarian, at the expense of the person adopting the animal, within a period of time specified by the [animal control officer] **Animal Control Officer**. [In setting the period of time, the **animal control officer**] The **Animal Control Officer** must [consider] set a deadline, based on the animal's age, sex, and health [of that animal. The period of time must], not [exceed 12] not more than 3 months [from the date] after the [animal control facility released the animal for] adoption. [Dogs and cats not spayed, neutered or **altered**] If the **owner** of an adopted animal does not **alter** the animal within the specified time, the **owner** must [be returned] the animal to the **animal control** [facility] **shelter**. [The person adopting the animal must pay for the surgical procedure at the time of adoption, as provided in this Chapter.]
- (b) [An] The **Animal Control Officer** must not place an animal [that has] for adoption if the animal is not [been] abandoned [must not be made

available for adoption without] unless the [consent of its] **owner**
consents.

**Sec. 5-[23]25. [Same - Animals with vicious tendencies, rabies, etc., not to
be sold or released] Sale or release of dangerous animals.**

[No] A person (including the **Animal Control Officer**) must not sell, release,
place for adoption an animal that the [**animal control officer**] **Animal Control**
Officer has reason to believe is a [vicious or] **dangerous** or **potentially dangerous**
animal, or has rabies or any incurable communicable disease [shall be sold,
released or permitted to be redeemed] unless [or until] the [**animal control officer**]
Animal Control Officer is satisfied that [it] the action is safe [to release such
animal].

Sec. 5-[24]26. Collection and disposal of dead animals.

The [**animal control officer**] **Animal Control Officer** must:

- (a) collect and dispose of any [dead dog or cat, or any] **wild, domestic, or**
exotic animal the size of an opossum or larger, found on a County
[property, including any County-maintained] road or other property;
and
- (b) recover from any identifiable **owner** of the animal [the cost of
collection and disposal from the animal's **owner**, if any, to the extent
that the Executive by regulation adopted under method (3) has set] a
fee, set by regulation under method (2), for collection and disposal.

ARTICLE IV. ANIMALS AND FOWL.

Sec. 5-[25]27. Public nuisances [-Grounds for complaint and finding].

[It is grounds for a complaint and finding of] An **owner** must not create a
public nuisance under Section 5-12 [for] by allowing:

- (a) [Any dog, whether or not vicious, or any unaltered cat] a **domestic animal** to run at large in the [county] County;
- (b) [Any] an animal to:
 - (1) damage, soil, defile, [or] defecate on any [private] property other than [that of] the **owner's** [or to do so on common grounds owned jointly by the co-owners of a condominium], or on common grounds of a condominium, cooperative, or homeowners' association;
 - (2) enter private property without the property owner's permission;
or
 - (3) endanger wildlife on public or private property;
- (c) [Any] an animal [or animals] to cause an **unsanitary**, dangerous, or offensive [conditions by virtue] condition because of the size or number of animals [maintained at] in a single location or [due to the inadequacy of the **facilities**] because a **facility** is not appropriate or properly maintained;
- (d) [Any] an animal to [make or] cause [noises audible within a building on adjacent property and of sufficient volume so as] noise that is loud enough and long enough to disturb the quiet enjoyment of [the occupants thereof.] other persons;
- (e) a dog that the **Board** or the **Animal Control Officer** decides is a **dangerous animal** to be present in the County;
- (f) an animal to create any other **public nuisance** described in Section 5-30.

Sec. 5-[26]28. [Same-Dogs and cats] Animals running at large.

(a) An **owner** must not [permit a dog or unaltered cat] allow an animal to run **at large**.

(b) A violation of this Section is a class B violation. [The animal control officer must waive an owner's first violation of this Section for an:

(1) altered dog; or

(2) unaltered cat.]

(c) [The animal control officer] If a **domestic animal** is impounded 3 or more times, the **owner** must [alter] have the animal **altered** at the **owner's** expense [any dog or cat after the animal's owner violates this Section 3 times in a calendar year] or surrender the animal to the **Animal Control Officer**, unless:

(1) the **owner** appeals to the **Board** within 10 days after the date of the third violation; and

(2) the **Board** [makes a different order] waives this requirement or orders other action after a hearing.

Sec. 5-[27]29. [Same-] Dogs or cats on public school grounds and in public recreation areas.

[It shall be unlawful for any] An **owner** [to permit] must not allow a dog or cat to be on any public school ground on any day school is in session or [on] in any public recreation area [when] during an organized activity [is being conducted], unless [such dog] the animal is controlled by a leash or similar restraining device. This section does not apply to a supervised, legal sporting activity, such as hunting or chasing, if the agency that controls the school or recreation area gave permission to the **owner**.

Sec. 5-[28]30. [Same-Creating a] Other public [nuisance generally] nuisances.

[It shall be unlawful for any] An owner must not [to suffer,] allow [or permit any] an animal to act in any way [so that it could be declared] that could cause a public nuisance. [Any county] A police officer or [animal control officer is authorized and directed upon identifying] Animal Control Officer who identifies an animal creating a **public nuisance** [to] must issue to the **owner** [of such animal] a [notice of violation of this section] citation for a class A civil violation.

Sec. 5-~~[29]~~31. [Same-] Deposit and removal of dog or cat feces.

[A person owning, **harboring**, keeping or in charge] An owner of [any] a dog or cat must not allow the dog or cat to soil, defile, or defecate on any public property; road[,]; street[,]; sidewalk[,]; path[,]; play area[,]; common [area] grounds of a condominium, cooperative, or homeowners association[,]; place where people congregate or walk[,]; or private property other than the owner's own property [owned by the dog's **owner**], unless the [person] owner immediately removes and disposes of all feces deposited by the dog or cat by any **sanitary** method approved by the **Division**.

Sec. 5-~~[30]~~32. [Same-] Female dogs or cats in heat.

[Every] An owner of a female dog or cat [shall, whenever such dog is] in heat[,], must keep [it] the animal confined in a building[, compartment] or other secure enclosure[, in such manner as] to prevent [the] attraction of other animals.

Sec. 5-~~[31]~~33. [Same-Vicious or dangerous] Dangerous animals.

(a) Without approval of the Animal Control Officer, a person must not bring into or keep in the County:

- (1) an animal that any jurisdiction has declared dangerous or a threat to public health and safety; or
- (2) a wild animal.

- 1 (b) A person must not knowingly offer, sell, give, receive, breed, buy or
 2 attempt to buy a **dangerous animal** in the County.
- 3 (c) [Every] **An owner** of a [vicious or] **dangerous [animal]** or **potentially**
 4 **dangerous animal** [including, but not limited to dogs, shall] **must** keep
 5 [such] **the** animal confined in a building[, compartment] or other secure
 6 enclosure [in such manner as will] **to** prevent direct contact between
 7 [such] **the** animal and human beings or other animals.
- 8 [(b)]
- 9 (d) A [vicious or] **person** must not remove a **dangerous [animal]** or
 10 **potentially dangerous animal**, [whether or not] **even if the animal is**
 11 **obedience trained**, [must not be removed] from confinement unless
 12 the animal is [first] securely muzzled in a manner approved by the
 13 **Division**, leashed, and under the control of a person [over the age of
 14 16] **more than 18 years old** who is physically [capable of restraining]
 15 able to restrain the animal.
- 16 (e) **The Animal Control Officer** immediately may seize, impound, and
 17 humanely destroy at the **owner's** expense an animal that the **Board** or
 18 the **Animal Control Officer** decides is **dangerous** or **potentially**
 19 **dangerous**. The **Board** or a court may stay an action under this
 20 subsection.
- 21 (f) **The Animal Control Officer** must issue a notice of violation directing
 22 the **owner** of an animal that another jurisdiction declared to be
 23 dangerous or a threat to public health and safety. The notice of
 24 violation must order the **owner** to remove the **animal** from the County
 25 within 10 days. Instead of ordering removal, the **Animal Control**
 26 **Officer** may impose conditions for keeping the animal in the County.

(1) The **owner** may appeal the notice or order under Section 5-14.

(2) If the **Board** confirms that another jurisdiction declared the animal dangerous, the **Board** may uphold the notice of violation or impose other conditions to allow the animal to remain in the County.

(3) If the **owner** of the animal does not appeal or remove the animal as directed, the **Animal Control Officer** must seize and humanely destroy the animal at the **owner's** expense.

(g) This Section does not apply to police dogs that serve a law enforcement agency.

Sec. 5-[32]34. [Same-Attack dogs.] Protection dogs.

(a) [Every] An **owner** of [an attack] a **protection dog** [shall] must keep [such] the dog confined in a building[, compartment] or [other] an enclosure[; provided, that any such enclosure is] completely surrounded by a fence at least [six (6)] 6 feet [in height and shall be] high, topped with an anti-climbing device constructed of angled metal braces with at least [three (3)] 3 strands of equally separated barbed wire stretched between them. [All] An anti-climbing [devices shall] device must extend inward at an angle of [not less than forty-five (45) degrees or more than ninety (90)] between 45 and 90 degrees [when measured] from [the] perpendicular.

(b) The [area of confinement shall] building or enclosure must have all gates and entrances [thereto] securely closed and locked, and all fences [properly maintained] must be escape proof.

(c) An **owner** must must transport a **protection dog** in a humane, escape-proof manner.

(d) An **owner** must provide adequate shelter, food, and water to a **protection dog** at all times.

(e) An **owner** must provide current rabies vaccinations for a **protection dog**. The **protection dog** must wear a tag to identify the **dog's owner** and how to contact the **owner** in an emergency.

(f) An **owner** must provide an exercise area appropriate for a **protection dog's species**.

(g) The **operator** of a **protection dog** must tell the Department of Police and the Fire Department the location of a working **protection dog** before placing the animal in service. The **operator** must give the Departments the emergency contact information required for tags under subsection (e).

(h) The **Animal Control Officer** may order the **owner** of a **protection dog** used in the County to produce the dog for examination by a specific veterinarian at the **owner's** expense.

Sec. 5-[33]35. [Reserved.] Potentially dangerous animals.

The **Animal Control Officer** must indicate in licensing records any designation of a dog as a **potentially dangerous animal**. The **owner** may request in writing that the **Division** remove the designation if the **Board** or a court ordered the deletion.

[Sec. 5-34. Public nuisance-Abandonment of dogs, cats or other domestic animals.

It is unlawful for any person to leave with an intent to abandon any dog, cat, or other domestic animal on a street, road, highway, or in a public place, or on private property of another. Any person who violates this section may be punished for a class A violation under section 1-19 of this Code.]

1 [Sec. 5-35. **Reserved.**]

2 [Sec. 5-36. **Public nuisance-Damages resulting from attacks on livestock**
3 **by dogs.**

4 If a dog destroys or injures and sheep, poultry or livestock owned by a
5 resident of the County, the owner of the sheep, poultry, or livestock may apply to
6 the Division for the appropriate damage claim forms. The claimant, after receiving
7 the forms, must appoint a disinterested person as an appraiser. The county also
8 must appoint an appraiser, who may be an employee of the county. The two
9 appraisers, in turn, must appoint a third disinterested person as an appraiser. The
10 appraisers must view and appraise the damages sustained by the claimant. The
11 appraisers, or a majority of them must state under oath in writing to the County the
12 number of sheep, poultry, or livestock killed or injured, the character and extent of
13 any injury, and the amount of the damages sustained by the owner. Both the
14 appraisers and the owner of the sheep, poultry or livestock must swear or affirm
15 under oath that they believe the sheep, poultry, or livestock were destroyed or
16 injured by a dog or dogs. After the report is filed, the animal control officer must
17 review the report and if, in the judgment of the animal control officer, the amount of
18 damages stated is unfair, the animal control officer must award an amount the
19 animal control officer deems fair. The sworn report of the appraisers, however, is
20 prima facie evidence of the fairness of the award of damages. The animal control
21 officer must not change an award unless the animal control officer receives
22 competent evidence that he award exceeds a fair commercial valuation of the sheep,
23 poultry, or livestock injured or destroyed by the dogs.

24 The Division must pay the award from funds appropriated for this purpose.
25 Payment must be conditioned on the claimant agreeing, on a form provided by the

County, to the subrogation of any claim against any individual for the destruction of the sheep, poultry, or livestock.]

Sec. 5-[37]36. [Same - Unlawful concealment of dogs, cats or other domestic animals] Concealing a domestic animal.

[It shall be unlawful for any person to] A person must not conceal [any dog, cat, or other **domestic animal**] or falsely [to] deny ownership of [any] a dog, cat, or other **domestic animal** [owned or harbored by him from] to any official [properly] authorized by the [county] County [to enumerate such animals or] to enforce [the provisions of] this [chapter] Chapter.

Sec. 5-[38]37. Domestic or exotic birds [-] at large.

A person who owns or keeps [any] a domestic or exotic bird must not [permit] the bird to be **at large** in the [county] County. This Section does not apply to homing pigeons.

Sec. 5-[39]38. Aviaries; Care of for domestic or exotic birds.

(a) A person must not [maintain an **aviary** or] keep [any] an **aviary** or a domestic or exotic bird, including a homing pigeon, within 100 feet of any structure in the County owned or leased by another person and used for human habitation or [assembly in the County] work.

(b) A person who keeps [any] a domestic or exotic bird, including a homing pigeon, in the County must [maintain] provide the following living conditions for the bird:

- (1) [the house must be] a dry, clean, well-ventilated, and whitewashed, [and have] birdhouse with windows;
- (2) [the house, perches, and nests must be kept clean and sanitary;
- (3)]

(2) clean drinking containers [must be clean and] supplied [at all times] with clean water; and

[(4)]

(3) yard surfaces [must be kept] that are clean and [free from] odor-free.

(c) This Section does not apply to [birds] a bird kept:

(1) inside the **owner's dwelling**, except for a homing pigeon;

(2) in a pet shop;

(3) in an agricultural zone [under] as defined in Chapter 59; or

[(3)]

(4) in a market for less than 24 hours for sale for human consumption.

[Domestic birds kept under this subsection must be kept in a humane and **sanitary** manner under this Chapter.]

[Sec. 5-40. Sale, etc., and coloring of live baby chickens, ducklings, rabbits, etc.]

It shall be unlawful for any person to sell, offer for sale, barter or give away baby chickens, ducklings or other fowl, under three (3) weeks of age or rabbits under two (2) months of age, as pets, toys, premiums or novelties or to color, dye, stain or otherwise change the natural color of baby chickens, ducklings or other fowl or rabbits; provided, that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings or other fowl or such rabbits, in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising.]

Sec. 5-[40A]39. Display of [dogs and cats] animals for sale or auction [in public place].

(a) [A] Without the written permission of the **Animal Control Officer**, a person must not display [any dog or cat] an animal in [a] public [place for the purpose of selling] to sell or [giving] or give away the animal [away].

(b) This Section does not apply to [the] display [of animals] in a **pet shop**, **commercial kennel**, or veterinarian's office, or by a [recognized] licensed rescue group, breed club, animal training organization, or animal welfare society.

[Sec. 5-40B. Breeder's permit required.]

[Any owner of a dog or cat, except a pet shop, commercial kennel, or fancier must:

- (a) obtain a breeder's permit from the Division each time the dog or cat is bred;
- (b) observe certain practices in the care and sale or transfer of animals established by executive regulation under method (2); and
- (c) include the breeder's permit number in any advertisement to sell or otherwise transfer ownership of the litter or any part of the litter produced under the permit.

The fee for a breeder's permit must be set by executive regulation under method (2).]

[Sec. 5-41. Penalty.]

- (a) Except as otherwise provided, any violation of Article III or IV of this Chapter or regulations promulgated under those articles is a class B violation. Each day a violation continues to exist is a separate offense.
- (b) The fine for a person's first violation of the breeder permit requirement may be waived if:

- (1) the animal that has been bred is altered within a reasonable time period set by the animal control officer based on the health of the animal; and
- (2) the litter produced is made available for adoption by the animal control officer.]

ARTICLE V. RABIES CONTROL.

[Sec. 5-42. Reserved.]

Sec. 5-[43]40. [Maintenance of vaccination] Vaccination clinics.

The [health officer] **Animal Control Officer** [shall maintain at least annually] must conduct vaccination clinics at convenient locations in the [county for such periods as he shall deem necessary and all dogs and cats may be vaccinated at such clinics during such periods. The county executive may, by written regulation adopted under method (3) of section 2A-15 of this Code, establish a fee for vaccinations to be collected in lieu of a license fee not to exceed the cost of administration] County when the **Animal Control Officer** determines that clinics are necessary.

Sec. 5-[44]41. [Issuance of new vaccination certificate to replace lost or destroyed certificate] Vaccination certificates.

The [health officer] **Animal Control Officer** or the veterinarian who administered [the] a vaccination [shall] must issue a new vaccination certificate to replace a lost or destroyed certificate [upon satisfactory] if the **owner** provides sufficient evidence [showing] that the dog or cat was vaccinated [pursuant to the provisions of] under this [article] Article. The [county executive] Executive may, by [written] regulation adopted under method (3) [of section 2A-15 of this code], [establish] set a fee for replacement of a lost or destroyed [vaccination certificates,] certificate that does not to exceed the [costs] cost of replacement.

1 **Sec. 5-[45]42. Vaccination required.**

- 2 (a) [It shall be unlawful for any person to] A person must not own,
 3 **harbor**, sell, or keep [a dog or cat] in the County [over the age of four
 4 (4)] an **animal** more than 4 months old that this Article requires to be
 5 vaccinated, unless [such] the [a dog or cat] **animal** has [been
 6 vaccinated] a current vaccination against rabies. [It shall be the
 7 responsibility of every dog or cat **owner** to have all dogs or cats over
 8 four (4) months of age owned by him to be continuously protected
 9 against contracting rabies. The inability of the] If an **owner**, within a
 10 [seven-day period, to] cannot provide evidence within 7 days of a
 11 [currently valid] current vaccination, a court may presume [shall
 12 constitutes prima facie evidence] that the [dog or cat] **animal** is not
 13 vaccinated. The **Animal Control Officer** must prescribe the effective
 14 period of [the various vaccines shall be established by the health officer
 15 based on the current practices of veterinary medicine] each vaccine.
 16 The [**animal control officer** and the health officer are authorized and
 17 directed to] **Animal Control Officer** must issue [the] a notice of
 18 violation or citation to an **owner** of an [unvaccinated dog or cat a
 19 notice of violation of this section] **animal** not vaccinated as required by
 20 this Article. [Upon failure of] If the **owner** [to] does not have [his dog
 21 or cat] the **animal** vaccinated within [seven (7)] 7 days after
 22 [notification,] the [**animal control officer** or the health officer]
 23 **Animal Control Officer** issued a notice of violation or citation, the
 24 **Officer** may [order such dog or cat impounded] impound the **animal**.
 25 (b) [No person licensed pursuant to Article VII of this Chapter may sell a
 26 dog or cat four (4) months of age or less, unless a deposit is received

for the purpose of ensuring that the dog or cat will be vaccinated against rabies. The amount of the deposit shall be ten dollars (\$10.00) or such other amount, not to exceed fifty dollars (\$50.00), as is specified by executive regulations adopted by the County Executive under method (3) of Section 2A-15 of this Code. The County Executive is authorized and directed to adopt regulations, under method (3) of Section 2A-15 of this Code, specifying procedures for the collection, handling and use of the deposits.

(c)]

(1) A veterinarian must vaccinate any dog or cat brought to the veterinarian for care, and may charge a reasonable fee for the service unless:

(A) the **owner** provides [the veterinarian with] evidence of [prior] a current vaccination;

(B) the veterinarian determines that for medical reasons the dog or cat should not be vaccinated; or

(C) the **owner** refuses to [permit] allow the vaccination.

(2) If an **owner** refuses to [permit] allow the vaccination, the veterinarian must[, within 72 hours,] report [that case] information about the animal to the [Division on the form that] **Animal Control Officer** within 72 hours, in a form acceptable to the [Division requires] **Officer**.

(3) When an unlicensed dog or cat is brought to a veterinarian for care, the veterinarian must [provide to] give the **owner** [of the dog or cat the] any licensing [requirement and program materials] information that the **Animal Control Officer**

[supplies] provides to the veterinarian for distribution.

(4) When a veterinarian determines that a vaccine will not protect an animal from contracting or spreading rabies, the veterinarian must inform the animal's owner and report information about the animal to the Animal Control Officer in a form acceptable to the Officer.

Sec. 5-[46]43. Reports of animal attacks or bites [required].

- (a) [It shall be unlawful for any owner or other] A person [having] with personal knowledge of [any person being attacked or bitten by any dog, cat or other] an animal [to fail to] attacking or biting a human promptly must report [such] the incident to the [county police department] Animal Control Officer. [It shall be the duty of the police department] The Animal Control Officer [to] must forward any [such] attack or bite reports to the [county health officer and animal control officer] County Health Officer within [twenty-four (24)] 24 hours [of receipt thereof].
- (b) [It shall be the duty of every] A physician, other medical practitioner [and], or hospital [to] must report the name and address of any person treated for a bite, scratche, or other wound from an animal to the [county health officer] County Health Officer and [animal control officer] the name and address of any person treated for bites, scratches or wounds inflicted by animals, together with all available information necessary for rabies control.] the Animal Control Officer. The report must include any information that might help control rabies transmission.

1 **Sec. 5-[47]44. Confinement of animals [which have bitten or attacked and**
 2 **animals] attacking a human or suspected of having rabies.**

3 When [any dog, cat or other] an animal [subject to] that can contract rabies
 4 [has bitten, scratched or attacked any] bites, scratches, or otherwise attacks a person
 5 [or when any dog, cat or other animal is suspected of having rabies], [it shall] the
 6 animal must be confined [in such a way and for such period of time, not to exceed
 7 fifteen (15) days, as the health officer shall direct.] under State law, rules, and
 8 regulations. [No] A person [shall] must not release [from confinement any such
 9 animal] or [remove such] move an animal [from its place of confinement to another
 10 place] confined under this Section without the [consent of the health officer]
 11 Animal Control Officer's permission. The owner must pay all costs of
 12 confinement [of the animal shall be at the expense of the owner or custodian of such
 13 animal,] and the [health officer shall be empowered in his discretion to] Animal
 14 Control Officer may order [impoundment or examination] the destruction of [any
 15 such] an animal, other than a dog or cat, to determine whether [it may have] the
 16 animal had rabies. [No person shall refuse to] An owner must surrender [any] an
 17 animal for [quarantine] confinement under this Section when [demand is made by
 18 the order of] the [health officer. If such an animal dies or is killed, a laboratory
 19 examination of the head shall be made] Animal Control Officer orders. [Any
 20 animal found not to have rabies shall upon payment of costs of confinement be
 21 released] If the Animal Control Officer determines that the animal is unlikely to
 22 have rabies, the Officer must release the animal to [its] the owner [unless otherwise
 23 ordered impounded by] if:

- 24 (a) the [animal control officer; provided, that] owner has paid all costs of
 25 confinement;

(b) the Animal Control Officer is not impounding the animal for another reason; and

(c) [no animal which is required to be licensed shall be released if unlicensed] the animal is licensed if a license is required.

Sec. 5-[48]45. Impounding or destroying [rabid dogs, cats and other animals and dogs, cats and other] animals exposed to rabies.

The [health officer shall cause all suspected rabid animals to be impounded and destroyed] Animal Control Officer must impound an animal suspected of being rabid and [shall cause any] must impound or destroy an animal exposed to rabies [whether], even if the animal was vaccinated [or not], [to be destroyed or impounded for a period of six (6) months] under State law, rules, or regulations, at the **owner's** expense. [Any] An animal [imported] brought into the County from an area [in which] under a rabies quarantine [has been imposed shall] must be:

(1) confined for [six (6)] 6 months in a manner [designated] required by the [health officer] Animal Control Officer[,]

(2) returned to the place of origin; or

(3) destroyed.

Sec. 5-[49]46. Report of suspected rabies by veterinarians.

[It shall be the duty of every licensed] A veterinarian [to] must report to the [animal control officer] Animal Control Officer any animal [found by him to be] that the veterinarian believes is rabid or [which he suspects of having rabies].

Sec. 5-[50]47. Notice of [presence of] rabies [in animals required] to State.

[Whenever rabies have been diagnosed in any animal confined in or treated at any veterinary hospital or elsewhere by a licensed veterinarian or when rabies is suspected by any such] When a veterinarian, [licensed] physician, or the [animal control officer] notice shall be] Animal Control Officer suspects an animal has

rabies, the person promptly [given to the appropriate official of the state department of health and mental hygiene] must notify the State Department of Health and Mental Hygiene. [In the event] If an animal [which has or which is] suspected of having rabies dies [then], the [animal control officer] **Animal Control Officer** [shall] immediately [cause a pathological examination of the body of] must have the animal [to be performed] tested for rabies by a laboratory certified by the [state department of health and mental hygiene] State Department of Health and Mental Hygiene. [In the event rabies is indicated as a result of laboratory tests, such findings shall be immediately communicated by] If the test shows the animal was rabid, the laboratory [to the appropriate official of] immediately must notify the [state department of health and mental hygiene, the county **health officer** and the **animal control officer**] State Department of Health and Mental Hygiene, County Health Officer, and Animal Control Officer.

Sec. 5-[51]48. [Duty of health officer; proclamation of] Rabies quarantine[;
approval by county board of health].

(a) [Whenever a rabies examination report indicates a positive diagnosis of rabies or whenever the county **health officer**] The **Health Officer** must declare a quarantine when the **Health Officer** finds that there [exists] is a danger of rabies [or that rabies may be introduced into] in or entering the [county] County and [when he finds it] a quarantine is necessary to prevent the spread [thereof, he shall, in order to] and protect human [life and safety, by written order, proclaim a quarantine] health.

(b) [on dogs and cats for all or] The quarantine may apply to any **species**
in any portion of the [county] County.

(c) [Such] The quarantine [shall continue in effect not more than forty-eight (48)] must not exceed 48 hours, unless [approved by resolution of] the [county board of health, in which event it shall continue for such length of time as the county board of health, in its discretion, may deem necessary; provided, that] County Board of Health approves a longer quarantine.

(d) [is proclaimed, notice thereof shall be given to] The Health Officer must notify the public [by posting or otherwise] about the quarantine.

Sec. 5-[52]49. Effect of quarantine.

[Whenever a quarantine is proclaimed and in effect no domesticated] The owner of an animal [shall be taken from confinement or be permitted in any public area, within the area under quarantine] subject to a quarantine must keep the animal confined, unless [properly leashed] the animal is on a leash and under the control of a person [over the age of sixteen (16)] more than 18 years old who is physically capable of restraining the animal. [During such] The Animal Control Officer or other official authorized by State law may quarantine [any] a farm animal suspected of having been] under State law if the Officer or official suspects the animal was exposed to rabies [may be quarantined by the county health officer or by state officials in accordance with state law]. [No] A person must not move a quarantined farm animal [may be moved from one location to another within the county] without the written consent of [either] the [state board of agriculture] State Board of Agriculture or the [county health officer] Animal Control Officer. [No] A person may adopt an animal [which has been] impounded at [the] an animal control shelter [may be adopted] during [the period of] a quarantine without [the] specific approval [of the county health officer] from the Animal Control Officer.

1 **Sec. 5-[53]50. [Impounding, destruction, isolation of animals] Enforcement**
 2 **during quarantine.**

- 3 (a) [Animals which have been] The **Animal Control Officer** immediately
 4 and humanely must destroy an animal bitten or scratched by a rabid
 5 animal [shall be immediately and humanely destroyed under the
 6 supervision of the county health officer] or [placed] place the attacked
 7 animal in strict isolation [for a period of six (6) months in the animal
 8 control shelter or other] under State law, rules, or regulations in a
 9 licensed **facility** approved [for such purpose] by the [county health
 10 officer] **Animal Control Officer**. The [full cost of such isolation shall
 11 be borne by the] **owner** must pay the costs of isolating the animal.
- 12 (b) [Any] The **Animal Control Officer** must impound and may destroy or
 13 otherwise **dispose** of an animal found at large during a [period of]
 14 quarantine [shall be impounded and [shall be subject to destruction or
 15 other **disposition** as the circumstances require and as the county health
 16 officer may direct].
- 17 (c) A person must surrender an animal subject to a quarantine when the
 18 **Animal Control Officer** orders the animal impounded or destroyed.

19 **Sec. 5-[54]51. Restrictions on killing, removal, etc., of animals with rabies.**

- 20 (a) Except under the direction and supervision of the [county health
 21 officer] **Animal Control Officer**, [no] a person [shall kill or] cause [to
 22 be killed any] the killing of an animal that is rabid [animal], [any
 23 animal which] has bitten or scratched a human, or [any animal
 24 suspected of having] might have been exposed to rabies, unless the
 25 action is necessary [for the immediate protection of] to protect a human
 26 being or animal.

(b) A person who justifiably kills an animal as described in subsection (a) immediately must contact the **Animal Control Officer** request to test the animal for rabies.

(c) [No] A person [shall] must not remove [any such] an animal that bit or scratched a human or animal from the [jurisdiction of the county] County without written permission from the [county health officer] **Animal Control Officer.**

(d) [In the event there exists a possibility of such an animal's] If an animal that bit or scratched a human or animal might escape or [of further biting or scratching by the animal] bite or scratch again, [it] a person may [be killed;] kill the animal and [the county health officer shall be notified] immediately notify the **Animal Control Officer.**

Sec. 5-[55]52. Surrender and disposal of [carcass of] dead animals exposed to rabies[, etc].

[The] A person must surrender the carcass of [any dead] an animal exposed to rabies [shall, upon] on demand[, be surrendered to] by the [county health officer] **Animal Control Officer.**

The [county health officer shall] **Animal Control Officer** must supervise the disposition of the carcass of any animal [in his possession found to be] infected with rabies or [of] and any dead animal [which he deems to be a health menace or a hazard to the] that the **Animal Control Officer** determines is a threat to public health, safety, or welfare.

[Sec. 5-56. Surrender of animal for quarantine, etc., required.

No person shall fail or refuse to surrender any animal for quarantine or destruction upon demand made by the order of the county health officer as required by this chapter.]

1 **Sec. 5-[57]53. Penalty.**

2 [Any refusal or failure to comply with any of the provisions] A violation of
 3 this [article] Article or [with any] failure to follow a lawful order [or directives] of
 4 the [county health officer relating thereto shall be punished as] **Animal Control**
 5 **Officer** under this Article is a class A violation [as set forth in section 1-19 of
 6 chapter 1 of the County Code]. Each day a violation continues [to exist shall
 7 constitute] is a separate offense.

8 **Sec. 5-[58]54. Construction and interpretation of [article] Article.**

9 This [article is in addition to and is not intended to conflict with any] Article
 10 supplements existing State and County laws, rules, and regulations [of the state
 11 board of health, state board of agriculture or of any provision of the Annotated Code
 12 of Maryland 1957, as amended, or of other provisions of this Code or other existing
 13 laws, codes, rules and regulations now in effect within the county].

14 **ARTICLE VI. DOG AND CAT LICENSES.**

15 **Sec. 5-[59]55. [Required; issuance; duration] License requirements.**

16 (a) The **Division** issues all dog and cat licenses under this Article.

17 (b) The **owner** of a dog or cat must [obtain] get a license from the
 18 **Division** for the animal if the animal is [over the age of] more than 4
 19 months old, unless [the dog or cat] the **owner** is:

20 (1) [controlled by:

21 (A)]

22 a **facility** licensed under Section 5-[67]62;

23 [(B)]

24 (2) an educational or research **facility**; or

25 [(C) a benevolent organization; or

(2) owned by]

(3) a nonresident of the County, and the dog or cat is:

(A) in the County for less than 30 days;

(B) wearing a valid license from another jurisdiction;
and

(C) [the] with an owner who can prove that the
animal has a current rabies vaccination.

[(b)]

(c) The **owner** of a dog or cat that is less than one year old may [obtain]
get a temporary license that expires one year after the animal's first
rabies vaccination.

[(c)]

(d) The **owner** must [obtain] get a license within 10 days after acquiring a
dog or cat that must be licensed under this Section.

[(d)]

(e) The **owner** must pay a fee for each license under [the] a fee schedule
established by executive regulation [under method (3)]. [No fee may be
charged to license a dog] The license for a dog trained and [in actual
use] used to aid [the] a blind, deaf, or disabled is free. The [County
Executive may set a lower] fee schedule may reduce the license fee for
an **altered** animal and reduce the fee further for an altered animal
owned by a person who demonstrates financial need. [The County
Executive must set a higher license fee for unaltered dogs and cats that
reflects the County's costs from these animals.]

[(e)]

(f) The County Executive [may] must establish by regulation adopted under method [(2) establish] (3) various terms for dog and cat licenses[, except that the license term for an unaltered dog or cat must be 3 years]. The term of a license must not exceed the expiration of the rabies vaccination certificate [used to obtain] required for the license.

Sec. 5-[60]56. Inoculation [prerequisite to issuance] requirement.

[Before any annual] The County must not issue a license [shall be issued] for [any] a dog or cat[, until the **owner** [thereof shall first have] has the dog or cat inoculated against rabies [as provided in article] under Article V [of this chapter].

Sec. 5-[61]57. License tags [- To be attached to dog or cat; transferability].

(a) Except as provided in subsection (b) [of this section], the owner must keep an individual license [tags shall be] tag attached to the licensed dog or cat [for which issued and shall pass with], or identify the dog or cat's license by tattoo or other method approved by the **Animal Control Officer**. The owner must transfer the tag when transferring the dog or cat[. Upon the change of ownership of any dog or cat, every person purchasing or otherwise acquiring such dog or cat shall] new owner must notify the [animal control officer] Animal Control Officer in writing of [such] the change in ownership [in order that the license records of the county may be properly adjusted].

(b) [As an alternative to the tag required under subsection (a) of this section, the **owner** of a cat may have the cat tattooed or may use another form of identification that the **animal control officer** approves.

(c) No tag shall be transferred from one dog or cat to another dog or cat.]

A person must not place a license tag on an animal that does not correspond to the license.

Sec. 5-[62]58. [Same-Loss of] Lost tag[; fee for duplicate].

[If any license tag be lost,] If a license tag is lost, the **owner** [of the dog or cat for which the license was obtained] may [procure] get a duplicate license for [use during the balance of the twelve-month period upon making application therefor and paying] a fee [of fifty cents (\$0.50)] set by regulation under method (3).

Sec. 5-[63]59. [Same-To be attached to collar and worn at all times; not to be obscured or defaced] Use of tag.

[It shall be unlawful for the] Except as otherwise provided in this Article, an **owner** of [any] a dog or cat [to permit such] must not allow the dog or cat to be in any public place [except as provided in this article], without [having its individual] the animal wearing its own legible, unobscured license tag attached to a collar or harness [worn by the dog or cat. License tags shall not be obscured or defaced in any way].

Sec. 5-[64]60. [Same-Removal of] Removing a tag [from collar].

[It shall be unlawful for any] A person[, other than the **owner** of the dog or cat or his agent, to] must not remove [any] license tag from a dog or cat without the owner's permission.

[Sec. 5-65. Sale or transfer of dog or cat.

A person must not:

(a) buy or otherwise take ownership of a dog or cat until the person has paid the license fee for the animal to the Division; or

- (b) sell or otherwise transfer ownership of a dog or cat until the transferee produces a receipt from the Division showing that the license fee for the animal has been paid.]

Sec. 5-[66]61. Penalty.

[Any] A violation of this Article [or regulations promulgated under this Article] is a [:

- (a) class C violation if:

- (1) the animal is altered at the time of violation;
- (2) the animal is altered within 7 days after violation; or
- (3) a licensed veterinarian determines that the animal should not be altered because of its age or health; and

- (b)] class B violation, [if the animal is not altered. The fine for an owner's first violation of a requirement to license a dog or cat may be waived if the animal is licensed within 7 days after the citation is issued.]

**ARTICLE VII. [PET SHOPS, KENNELS AND RIDING FACILITIES]
BUSINESSES INVOLVING ANIMALS.**

DIVISION 1. LICENSING.

Sec. 5-[67]62. [Required; fee; issuance] Licensing requirements.

- (a) A person[, association or corporation] must not operate a **pet shop** without [an annual] a license from the **Division**. The license fee for **pet shops** is set by [executive] regulation under method (2). The [County Executive] regulation must set a higher fee for **pet shops** that sell dogs or cats. Dogs or cats kept in a licensed **pet shop** may [be taken under close supervision from] go outside of the pet shop under close supervision for exercise. A person otherwise must not allow a dog or cat kept in a licensed **pet shop** [must not otherwise be

permitted] to leave [without wearing an individual] unless the dog or cat is wearing its license tag, if a license is required under this Chapter.

The **Division** must not issue a license to a **pet shop** until the **pet shop owner** agrees in writing not to sell any animal to a minor.

- (b) A person[, association, or corporation] must not operate a **commercial kennel** without [an annual] a license from the **Division**. The [County Executive must set the] license fees for a **commercial kennel** are set by regulation under method (2). The license fee must be based on the number of adult dogs or cats kept in the kennel, and must be higher for [kennels] a kennel that [sell] sells dogs or cats. The licensee must include the license number in any advertisement to sell or otherwise transfer ownership of [any] a dog or cat kept by the kennel. Dogs or cats kept by a **commercial kennel** for breeding purposes or sale may [be taken under close supervision from] go outside the kennel under close supervision for exercise[, but must not]. A person otherwise [be permitted] must not allow a dog or cat to leave the kennel [without] unless the dog or cat is wearing [an individual dog or cat] its license tag, if [such] a license is required under this Chapter.

- (c) A **fancier** must [obtain] get an annual **fancier's** license from the **Division** [an annual license for the fancier's kennel] and [must observe certain practices in] comply with requirements for the care and sale or transfer of animals [, as established by executive regulation] in regulations adopted under method (2). The **fancier** must [include] display the license number in any advertisement to sell or otherwise transfer ownership of a dog or cat. The license fee must be based on the number of adult dogs or cats kept in the kennel. Dogs and cats

kept [in] by a licenced **fancier**[s kennel are exempt from the individual license requirements of this Chapter] may be licensed at a group rate set by regulation under method (2). [Any] The **fancier** must not allow a dog or cat [that leaves] to leave the **fancier's** [kennel must have] premises without the animal wearing an identifying [tags with] tag showing the **fancier's** name and address.

(d) A person[, association, or corporation] must not establish, operate, or maintain a **riding school** or **stable** without [an annual] a license from the [division] **Division**. The license fees for **riding schools** and **stables** are [fixed by the County Executive by regulation] set in regulations adopted under method [(3)] (2).

(e) A **benevolent organization** must not **harbor** animals without a license from the **Division** and must have each animal vaccinated if required under this Chapter. An animal **harbored** by a **benevolent organization** for more than 1 year must have a license.

(f) [Before any annual license is issued, an application must be made in such form as the] The **Division** [prescribes] must prescribe the application form for licenses.

[(f) A license must not be issued to any person, association, or corporation for any establishment required to be licensed by this Section if the establishment's location would violate Chapter 59. If any establishment is required by Chapter 59 to meet additional standards or to obtain a special exception, a license must not be issued until the standards have been complied with or the special exception has been obtained.]

- (g) The **Division** may deny or rescind a license for a **facility** for violating any other provision of the Code, including zoning requirements (Chapter 59).
- (h) [A] The **Animal Control Officer** must not issue or renew a license [to operate] for a **riding school or stable** [must not be issued or renewed by the **animal control officer**] unless the **school or stable** files the following certificates [have been filed with the **Division** not more than] within 30 days before the [animal control officer] **Animal Control Officer** issues or renews the license:
- (1) A certificate from a doctor of veterinary medicine stating that each individual horse or pony available for hire is physically sound for riding purposes.
 - (2) A certificate from the Fire Marshal stating that the stable and stable area used by the **riding school or stable** [are in compliance] comply with Chapter 22.
 - (3) A certificate from the [health officer] **Animal Control Officer** stating that the stable and stable area are [in compliance] comply with the **sanitary** regulations set forth in Section 5-[77]71.
- (i) **Facilities** licensed under this Article must allow the **Animal Control Officer** to inspect the **facility** at any time during normal business hours.
- (j) A **groomer, trainer or protection dog operator** must not place a dog for hire on private property without getting a license from the **Division**. The license fee is set by regulation under method (3).

(k) A benevolent organization must not own more than 20 animals without getting a non-commercial kennel license, in addition to any other license required under this Chapter.

Sec. 5-[68]63. Term[;] and display of license.

[Licenses] A license issued under this [article shall expire] Article:

(1) expires on June 30 of each year, unless [earlier suspended or revoked as provided herein] the Division suspends or revokes the license earlier[. Each license issued under this article shall]; and

(2) must be prominently displayed at all times in the [establishment for which it is issued] facility.

[Sec. 5-69. Renewal; notification.

The holder of any expiring license under this Article desiring a new annual license to be effective on the expiration of the existing license must, not less than 30 nor more than 60 days before the expiration of the existing license, file a written application for renewal with the animal control officer. The applicant must complete the form provided and pay the annual renewal fee set by regulation under method (3). Licensees must be notified by the animal control officer at least 60 days before a license expires.]

Sec. 5-[70]64. Denial, revocation, or suspension [-Generally].

The [animal control officer] Animal Control Officer may refuse to issue or renew a license, or may revoke or suspend any license issued under this Article if the [animal control officer] Animal Control Officer finds that the applicant or licensee [willfully] withheld or falsified any information required for a license. The [animal control officer] Animal Control Officer may revoke or suspend a license issued under this Chapter if the [animal control officer] Animal Control Officer finds that the licensee violated this Chapter or engaged in fraud or [willful]

misrepresentation in connection with the sale of animals. The **[animal control officer]** **Animal Control Officer** must notify the licensee personally or by **[certified]** mail of any revocation **[of]**, suspension **[of]**, or **[failure to renew a license]** **denial of renewal**. **[Before the animal control officer may revoke or suspend a license, the animal control officer]** **The Animal Control Officer** must give the licensee an opportunity to appear at a hearing **[before the animal control officer]** and show cause why the license should not be revoked or suspended **before revoking or suspending a license**.

Sec. 5-[71]65. [Same-Appeals] Appeal.

[Any] **A** person aggrieved by a denial, revocation, **[or]** suspension, **or refusal to issue or renew** **[of]** a license under this Article may appeal from the action of the **[animal control officer]** **Animal Control Officer** to the **[Animal Matters Hearing]** **Board** by filing a written appeal with the **Board** within the time **[prescribed]** **required** by Section 5-14. Filing an appeal stays **a** suspension of a license, but does not stay **a** denial or revocation^[,] unless^[, upon application,] the **Board** grants a stay. **During any appeal of a denial or revocation, the aggrieved party must board the animals in a facility acceptable to the Division and must pay any impoundment and boarding expenses. If the aggrieved party does not pay the expenses, the appeal automatically is dismissed with prejudice.**

DIVISION 2. STANDARDS.

Sec. 5-[72]66. [Minimum standards] Standards for [the housing and] animal care [of animals generally].

A person licensed under this Article must comply with the following minimum standards of care:

- (a) **[Bedding.] There [shall] must be [sufficient] enough clean, dry bedding to meet the needs of each individual animal.**

- (b) [Cages.] All **cages** [are to] must be constructed of a non-absorbent, non-porous material[. All **cages**] and, except for bird **cages**, [shall] must have floors [of] that are either solid [construction] or made with woven wire mesh [construction] or [any combination thereof] both. **Cages** [having] with woven or wire mesh floors may be used to confine or display animals[; provided, that], if the spaces between the wire mesh or weave are smaller than the pads of the feet of the animals confined [therein] in the cage. **Cages** [having] made of wire [construction shall be constructed of] must use wire [which is of sufficient thickness so as] thick enough to [preclude] prevent injury to the animals [confined therein]. [**Cages** constructed of wire having] Wire cages must not have barbs or other rough surfaces [are prohibited]. [All **cages** shall] Cages must be [of sufficient height] high enough to [permit every] allow each animal [confined therein] in the cage to stand [normally] to its full height and [to] turn. A cage must not be entirely enclosed by walls.
- (c) [Death records. Every licensed facility shall] A person licensed under this Article must keep a permanent record of the deaths of any warm-blooded animals, reptiles and amphibians [excluding rodents,] under [its] the person's control. [Such] The record [shall] must state the **species** of the deceased animal[, and the date and cause [of death], if known, of death. [These] The person must allow the Animal Control Officer to inspect these records [shall be open to inspection by the **animal control** commission].
- (d) [Disease or illness. Any] An animal [which] that exhibits symptoms of disease or illness [shall] must be separated [to the greatest extent] as

much as possible from [other] healthy animals. [Any] An animal confined for [either diagnostic observation] veterinary diagnosis or treatment [of disease or illness shall likewise] must be separated from healthy animals. [No] A person must not offer for sale in a **pet shop** or **kennel** an animal [which is] known to have or [may reasonably be] suspected of having a disease contagious or communicable to humans [may be offered for sale by any duly licensed **pet shop** or kennel].

(e) [Drinking water.] Fresh water [shall] must be available to all animals [and replaced whenever necessary during each] all day, including on Sundays and holidays.

(f) [Feeding.] All animals requiring the daily intake of food [shall] must be fed at least once each [twenty-four] 24-hour period, including Sundays and holidays. The type of food [provided shall] must be appropriate for each [particular] animal's **species** and [shall] must be [of sufficient nutritive content] nutritious enough for the good health [and well-being of the **species**] of the animal.

(g) [Hot water. There shall be available for cleaning and sanitation, at **pet shops** and **commercial kennels**, a sufficient supply of] At a **pet shop** or **commercial kennel**, there must enough hot running water, at a minimum temperature of [one hundred sixty (160)] 160 degrees Fahrenheit, for cleaning and sanitation.

(h) [Sanitation.] All **cages and other** areas of confinement, display areas, storage areas, and sales areas [shall] must be maintained in a **rodent-proof** and **sanitary** condition. These areas [shall] must be cleaned and disinfected regularly [as conditions warrant it]. All **cages** [shall] must be cleaned and disinfected daily. Feed and water dishes [shall] must

be emptied and sanitized at least once daily, including Sundays and holidays.

(i) [Separation of animals by species.] Animals, except fish of different **species**, may not be confined or displayed in the same **cage** unless common animal husbandry practices allow housing the different species together.

(j) [Surgery. No employee or **keeper** or other person who is not] Only a licensed veterinarian may crop ears, dock tails or perform any other type of animal surgery.

(k) [Temperature control.] Room temperature [shall] must be maintained at a level [which is] appropriate and **healthful** for each [particular] **species** of confined animal [confined therein]. [It shall be unlawful for any] An establishment [to] must not harbor [any] an animal[, bird or other creature requiring for its health] that requires special atmospheric conditions or air temperature, unless the appropriate conditions or temperature [is maintained in the room in which the animal, bird or other creature is confined] are provided.

(l) [Treatment. All animals exhibiting symptoms of illness or disease shall] An animal that appears sick or diseased must be examined and [appropriately] treated by a licensed veterinarian. If [required] necessary, a diseased [animals shall] animal must be humanely destroyed by a method approved by [under the supervision of] a licensed veterinarian.

(m) [Ventilation. All rooms in which] Any room where animals are displayed or confined [shall either] must be connected to an outside

ventilating system or have some other appropriate means of ventilation and air filtration [shall be provided].

Sec. 5-[73]67. Special [provisions as to] care for dogs and cats.

A person licensed under this Article must comply with the following standards of care for dogs and cats:

- (a) No more than [two (2)] 2 adult dogs or cats may be confined or displayed in the same **cage**.
- (b) [Infant animals] An infant animal may not be confined or displayed in the same **cage** with an adult [animals, except] other than its mother, while nursing, or parents of a newly hatched bird.
- (c) Pugnacious or [vicious] otherwise dangerous animals [shall] must be isolated from other animals.
- (d) [Dogs which have been weaned shall] A weaned dog must be taken from [cages] its cage and allowed to exercise at least twice daily, including Sundays and holidays. A weaned dog kept in a large kennel with an exercise yard must be removed from the cage for exercise every other day.
- (e) [Dogs] A weaned dog or and [cats under four (4)] cat less than 4 months old [shall] must be fed at least twice in each [twenty-four] 24- hour period, including Sundays and holidays.
- (f) [Dogs and cats under the age of eight (8)] A dog or cat less than 8 weeks old may not be displayed or offered for sale.

Sec. 5-[74]68. Special [provisions as to] requirements for simians.

[All cages in which simians are confined or displayed shall be] A person must not confine or display a simian in a cage unless the cage is at least twice the height of the [simians confined therein] simian.

1 **Sec. 5-[75]69. Special [provisions as to] requirements for birds.**

2 A person licensed under this Article must comply with the following
 3 standards of care for birds:

- 4 (a) [Each] A bird **cage** [shall] must contain at least [two (2)] 2 horizontal
 5 perches of a size appropriate for the **species** and provide sufficient
 6 perch space for every confined bird [confined therein]. Perches [shall]
 7 must not be aligned vertically.
- 8 (b) [In addition to birdseed and water, each] A bird **cage** [shall] must
 9 contain bird food, water, and an amount of fresh gravel needed for
 10 digestion sufficient for the number of confined birds [confined therein].
- 11 (c) Parrots and other large birds [shall] must not be confined or displayed
 12 in a **cage** with smaller birds except for their own young.
- 13 (d) A **facility** must maintain a record of any transfer of ownership of an
 14 animal to help protect humans and domestic birds from the spread of
 15 disease.

16 **Sec. 5-[76]70. Special [provisions as to] care for fish and turtles.**

17 A person licensed under this Article must comply with the following
 18 standards of care for fish and turtles:

- 19 (a) [Fish.] The water temperature in a fish tank [shall] must be maintained
 20 at a constant level appropriate for the fish confined [therein] in the
 21 tank. If necessary[, for [purposes of] health or sanitation, fish tanks
 22 [shall] must be equipped with an efficient circulating pump and filter.
- 23 (b) [Turtles.]
- 24 (1) **Cages** or tanks [in which] where amphibious turtles [of the
 25 amphibious type] are confined must contain an amount of water
 26 sufficient for each turtle to eat and moisten itself.

(2) The floor area of tanks in which turtles are confined must contain a dry area sufficient for each confined turtle [confined therein].

(3) The shells of turtles [shall] must not be painted or carved [nor shall decals be affixed thereto] or affixed with a decal.

Sec. 5-[77]71. Special [provisions] care for horses and ponies.

[Any licensee] A person operating a **riding school** or **stable** [shall] must provide suitable food, water, and shelter for the horses and ponies [under his control] at the facility. [Such licensee shall also] The person must comply with the following standards for horses and ponies:

(a) All buildings and sheds used for stabling horses and ponies [shall] must be well lighted and ventilated and [shall be provided with] must have sufficient feed troughs or boxes.

(b) All buildings and sheds used for stabling horses or ponies [shall] must be kept clean and in good repair at all times and all manure [shall] must be removed [therefrom] daily. A manure pile [shall] must not be allowed to stand for a period longer than one [(1)] month from October 15 through April 30, or [for four (4)] 4 days from May 1 through October 14.

(c) [Any] An enclosure where horses or ponies are kept [shall] must be graded and drained [so as] to keep the surface reasonably dry. [No garbage] Garbage, fecal matter, or similar matter [shall be placed or allowed to] may not remain in [such] the enclosure for [a period not to exceed] more than one [(1)] month from October 15 through April 30, or [for four (4)] 4 days from May 1 through October 14. [No] The

enclosure must not contain an open drain [shall be allowed to run]
running through [such] the enclosure.

(d) [No] A horse or pony [shall] must not be let for riding [purposes which
 has not been certified by] a doctor of veterinary medicine [as] certifies
that the horse or pony is physically sound for riding [purposes].

(e) The [animal control officer] **Animal Control Officer** may [at any
 time require that] prohibit the licensee from making a particular horse
 or pony [**owned** by or under the control of a licensee and] available for
 hire for riding [purposes not be let for hire] until the licensee [gives]
shows the [animal control officer] **Animal Control Officer** a
 [certificate of examination as of the date the certificate is requested,
 signed by a doctor of veterinary medicine,] a veterinarian's
certification that the horse or pony is physically sound for riding
 [purposes].

Sec. 5-[78]72. Penalty.

[Any] A violation of [any provision of] this [article or regulations
 promulgated hereunder shall be punished as] Article is a class B violation [as set
 forth in section 1-19 of chapter 1 of the County Code]. Each day a violation
 continues to exist [shall constitute] is a separate offense.

Sec. 2. Regulations; Transition.

A regulation that implements Chapter 5 continues in effect, except to the
 extent it is inconsistent with this Act or the regulation is repealed or amended.

1 *Approved:*

2

Isiah Leggett, President, County Council

Date

3 *Approved:*

4

Douglas M. Duncan, County Executive

Date

5 *This is a correct copy of Council action.*

6

Mary A. Edgar, CMC, Secretary of the Council

Date